

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.2927 OF 2005

Shri Bhikaji Gangaram Jadhav : Petitioner
V/s.

Chinchwad Devasthan Trust : Respondent

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Mr.N.P.Deshpande for the petitioner.

None present for the respondent.

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CORAM : S.A. BOBDE, J.

June 22, 2005.

P.C.:

1. This petition is directed against the order dated 1.2.2005 passed by the 3rd Jt. Civil Judge, Junior Division, Pune. By the impugned order, the learned Joint Civil Judge, Junior Division, has rejected the petitioner's objection to the execution. There is no reason to interfere with the impugned order in view of the following circumstances:-

That similar objections were raised earlier and were rejected on 4.7.1987. It was held earlier also that the provisions of the Bombay Tenancy and Agricultural Lands Act, particularly the tenants are not applicable to

the land owned by the trust. Therefore, there is no merit in the petitioner's objection that one Peera Ganga, a member of his family was a tenant. The petitioner's contention that the trustees of the decree-holder accepted the land and issued rent receipt has also been rejected earlier.

2. Mr.Deshpande, learned counsel for the petitioner, further submitted that there is a Resolution of the trust under which the trust resolved to convey the land to the petitioner. Assuming that there is such a Resolution, the petitioner may take appropriate proceedings, if tenable, in accordance with law.

3. The petition is dismissed.

S.A. BOBDE, J.